

ATTORNEY DOCKET NO. 9435.2
Application Serial No.: 10/721,563
Page 4 of 6

RECEIVED
CENTRAL FAX CENTER

NOV 30 2006

REMARKS

Claims 5-10, 12-17 and 19-29 are pending in this application. Claims 9-10, 16-17 and 24-29 were canceled without prejudice in the Amendment filed November 29, 2006. Claim 20 is canceled herein without prejudice. In light of this cancellation and the following remarks, reconsideration of this application and allowance of the pending claims is respectfully requested.

Applicants note that the present Office Action states that claims 5-8, 12-15 and 19-23 are allowed.

I. Objection to the specification

The Office Action states that the specification is objected to for allegedly failing to provide proper antecedent basis for the term "circular retroviral form plasmid" as recited in claim 20.

Claim 20 is canceled herein without prejudice, thereby mooted this objection and applicants respectfully request its withdrawal.

II. Rejection under 35 U.S.C. § 112, second paragraph

The Office Action states that claims 24-29 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Claims 24-29 were canceled without prejudice in the November 29, 2006 Amendment, thereby mooted this rejection and applicants respectfully request its withdrawal.

III. Rejection under 35 U.S.C. § 112, first paragraph (new matter)

The Office Action states that claims 9, 10, 16 and 17 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing new matter. In particular, the Office Action states that the specification does not support nucleic acids wherein the recited portion of U3 is deleted or retained and a *loxP* site is within the U3.

ATTORNEY DOCKET NO. 9435.2

Application Serial No.: 10/721,563

Page 5 of 6

Claims 9, 10, 16 and 17 were canceled without prejudice in the November 29, 2006 Amendment, thereby mooting this rejection and applicants respectfully request its withdrawal and allowance of the pending claims to issue.

IV. Rejection under 35 U.S.C. § 112, first paragraph (enablement)

The Office Action states that claims 24-29 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement.

Claims 24-29 were canceled without prejudice in the November 29, 2006 Amendment, thereby mooting this rejection and applicants respectfully request its withdrawal and allowance of the pending claims to issue.

Having addressed all of the issues raised in the Office Action, applicants present claims herein that are in condition for allowance, which action is respectfully requested. The Examiner is encouraged to contact the undersigned directly if such contact will expedite the examination and allowance of the pending claims.

ATTORNEY DOCKET NO. 9435.2
Application Serial No.: 10/721,563
Page 6 of 6

A Petition for Extension of Time including the \$60.00 fee for a one month extension of time was filed with the Amendment dated November 29, 2006, which extends through November 30, 2006. Thus, no fee is believed to be due with this response. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



Mary L. Miller

Registration No. 39,303

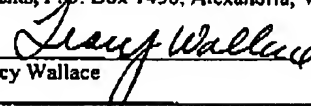
USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER

37 C.F.R. § 1.8

Date of Deposit: November 30, 2006

I hereby certify that this correspondence is being submitted to the United States Patent and Trademark Office under 37 CFR 1.8 via facsimile transmission to 571-273-8300 on the date indicated above and is addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Tracy Wallace